

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

RONNIE LEE MCDANIEL, Plaintiff, vs. LDS HOSPITAL, SALT LAKE COUNTY SHERIFF'S DEPARTMENT, Defendant.	ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION AND DISMISSING CASE Case No. 2:07-CV-886 TS
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This matter is before the Court for review of the Magistrate Judge's March 11, 2008 Report & Recommendation. The Magistrate Judge found that Plaintiff failed to state a claim upon which relief could be granted, failed to comply with the Court's order to file an amended complaint, and recommended that the Complaint be dismissed.¹

The Magistrate Judge notified Plaintiff he had ten days to file an objection to the Report and Recommendation and that the failure to file objection may constitute waiver of those objections on appellate review.² Plaintiff failed to file any objection.

¹Docket No. 8, at 1.

²*Id.* at 5-6.

If, as in this case, there is no objection to the Report and Recommendation, the Court applies the “clearly erroneous” standard.³ Under the clearly erroneous standard, this Court will affirm the Magistrate Judge’s ruling “unless it ‘on the entire evidence is left with the definite and firm conviction that a mistake has been committed.’”⁴

Having reviewed the Report & Recommendation, the Court finds it to be thorough and detailed and that it correctly states the applicable law. The Magistrate Judge’s findings of fact are fully supported by the record. Applying the same legal standards as did the Magistrate Judge, the Court agrees that Plaintiff fails to set forth a federal claim upon which relief can be granted.

Further, having reviewed the Complaint and the record, the Court finds that it would reach the same conclusion under de novo review. Accordingly, it is therefore

ORDERED that the Magistrate Judge’s Report and Recommendation (Docket No. 8) is ADOPTED IN FULL. It is further

ORDERED that Plaintiff’s Complaint is DISMISSED for failure to state a federal claim.

DATED April 2, 2008.

BY THE COURT:



TED STEWART
United States District Judge

³28 U.S.C. § 636(b)(1) (requiring de novo review of only “those portions of the report or specified proposed findings or recommendations to which objection is made”) and Fed. R. Civ. P. 72(b) (3) (same).

⁴*Ocelot Oil Corp. v. Sparrow Industries*, 847 F.2d 1458, 1464 (10th Cir. 1988) (quoting *United States v. United States Gypsum Co.*, 333 U.S. 364, 395 (1948)).